

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Ninth Session
May 19, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:37 a.m. on Friday, May 19, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Janet Jones, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Tom Clark, representing Justin Brothers Bail Bonds
Jodi Stephens, representing American Bail Coalition
Alexia M. Emmermann, Insurance Counsel, Division of Insurance, Department of
Business and Industry

Chairman Yeager:

[Roll was called. Committee protocol and rules were explained.] We have a work session today, and we will not necessarily go in the order the bills are listed on the agenda. We will begin with Senate Bill 432 (1st Reprint).

Senate Bill 432 (1st Reprint): Authorizes the filing of a motion for the termination of parental rights as part of a proceeding relating to the abuse or neglect of a child. (BDR 38-475)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit C](#)).] Senate Bill 432 (1st Reprint) is sponsored by the Senate Committee on Judiciary and was heard in Committee on April 26, 2017. Senate Bill 432 (1st Reprint) makes various changes related to the procedures governing the termination of parental rights. Specifically, the bill provides that if a juvenile court determines a child is in need of protection, a child welfare agency may file a motion for the termination of parental rights as part of the proceeding concerning the abuse or neglect of the child. It clarifies that existing laws governing the termination of parental rights apply to all proceedings concerning the termination of parental rights commenced by a child welfare agency to the extent they do not conflict with this bill. It establishes provisions concerning notice of the hearing on the motion for the termination of parental rights and requires the court to ensure any prospective adoptive parent is provided a copy of such notice. It establishes procedural provisions relating to an evidentiary hearing on a motion for the termination of parental rights, and requires a court to make a final decision within 30 days of the conclusion of the evidentiary hearing.

There are two amendments. The first is proposed by John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office. The amendment does the following: first, it allows the court discretion when additional notice is needed, and secondly, it clarifies that an order granting or denying a termination of parental rights is a final order and the parties have the right to appeal.

The second amendment was proposed by Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County; and Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office. This amendment deletes the provision that requires an agency that provides child welfare services to file a motion for termination of parental rights if a child has been placed outside of his or her home for a period of not less than 12 months. It changes the time for completing mediation from 20 to 60 days. It modifies the new procedural provisions relating to an evidentiary hearing on a motion for the termination of parental rights and changes the effective date to January 1, 2018.

Chairman Yeager:

This bill has been in work session a couple of times previously. The new section of the amendment is the portion dealing with the final order and being subject to appeal. There was some disagreement about whether that was already the case, but to avoid any disagreement, we added that language. I will allow discussion on the motion in a moment, but for now I will be taking a motion to amend and do pass with the amendments listed in the work session document.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND
DO PASS SENATE BILL 432 (1ST REPRINT).

ASSEMBLYMAN PICKARD SECONDED THE MOTION

Is there any discussion on the motion?

Assemblyman Ohrenschall:

I appreciate the courtesy of everyone who has worked with me on this bill. During the hearing, Assemblyman Pickard talked about termination of parental rights. Many courts and commentators have likened it to the civil death penalty. One of the most significant things that can happen to a person is to have their parental rights terminated. Certainly, due process is of paramount importance whenever that happens. Those were the concerns that Assemblywoman Krasner and I had. At the hearing, there was no testimony in opposition. Sometimes people get motivated on legislation a little late. I think the entire Committee was contacted by an attorney in Reno with some concerns about the bill. Then I was contacted by some parents' attorneys in Las Vegas who shared those concerns. The amendment that Ms. Duffy and the Nevada District Attorneys Association have proposed addresses quite a few of those concerns.

What the bill does is allow these proceedings to be handled by hearing masters in addition to district court judges if that judicial district sees fit to do that, as I understand that is happening in Clark County, but not anywhere else in the state. Judging by what I have heard from Washoe County, there are no plans for them to adopt that procedure. Other concerns that were relayed to me from parents' attorneys were regarding adequate notice, especially if a hearing is postponed and a party is absent. We tried to make sure that the notice provisions would be as strong as what is currently in the *Nevada Revised Statutes* (NRS) Chapter 128.

Another concern that was brought up was the right to appeal and whether moving the termination of parental rights from NRS Chapter 128 to NRS Chapter 432B would extinguish that current path to appeal and only allow someone whose rights were terminated or even the state going the route of filing an emergency writ. That is a concern I believe the amendment addresses—I certainly hope it does. The Nevada rules on appellate procedure are the jurisdiction of the Nevada Supreme Court, but we have made our legislative intent clear in terms of trying to make sure that there is that robust right to appeal.

The only addition to the amendment that we discussed with Ms. Duffy, and that she agreed to with Assemblywoman Krasner and me, was the language in section 4, subsection 5. I hope the Committee will accept my conceptual amendment. The language reads, "If the court postpones hearing evidence pursuant to subsection 4, no further notice to the absent party is required." There is also new language, which is, "unless the court in its discretion, considering the facts and circumstances of the case, requires additional notice be attempted." Assemblywoman Krasner, Ms. Duffy, and I discussed deleting the word "no" so that further notice to the absent party is required "unless the court in its discretion, considering the facts and circumstances of the case, requires no additional notice be attempted." We still allow that discretion to the judge or hearing master who would be hearing the proceedings, but the default would be for notice to the absent parties. They may have missed a hearing because they had a car accident and were in the hospital that day, were arrested, or who knows what else might have happened. That was something we agreed to but it is not in the written amendment, but it is something I am verbally proposing. It was agreed to by Ms. Duffy and Assemblywoman Krasner. I hope the Committee will consider that amendment.

Otherwise, I appreciate Ms. Duffy for addressing our concerns, and I will be voting for the bill today.

Assemblywoman Krasner:

This bill would terminate parental rights, which is a very serious issue to parents. Most parents love their children dearly and, of course, this is very serious. This does not take into account issues covered under federal law regarding if there is abuse of the child or sexual abuse. That is not what we are talking about in this bill. This bill is addressing such situations as a parent on drugs who needs to go into a treatment center because they made a bad choice.

Assemblyman Ohrenschall and I have worked tirelessly for weeks on this. We appreciate Ms. Duffy and Mr. Jones for working with us on this very important piece of legislation for children, parents and families.

We agree with the proposed amendment by the Nevada District Attorneys Association except for one small change, and Assemblyman Ohrenschall covered most of it. In our conceptual amendment it says "If the court postpones hearing evidence pursuant to subsection 4, (a) further notice to the absent party is required; (b) all parties to the proceeding other than the absent party who are not present or represented in court at the time of the postponement must be served notice of the postponement in the manner prescribed by Rule 5

of the Nevada Rules of Civil Procedure unless the judge in his or her discretion, considering the facts and circumstances of the case, does not require additional notice to be attempted." I believe that is the amendment that was agreed to this morning by Ms. Duffy, Assemblyman Ohrenschall, and me. With that amendment, Assemblyman Ohrenschall and I feel more comfortable.

In addition, regarding the amendment with the right to appeal, nothing in this bill is meant to alter and impede the rights of parents to appeal the decision of termination of parental rights because it is such a permanent thing and a sensitive, important issue. With that amendment and the general change to the wording that we just discussed, I am a yes and would encourage all members of the Committee to also be a yes. So much thoughtfulness has gone into this legislation.

Assemblyman Wheeler:

Did the motion include the conceptual amendment?

Chairman Yeager:

When we are ready to vote I will clarify that for the record. I do not want to interrupt the discussion, but I do want to have it right with that conceptual amendment.

Assemblyman Pickard:

I appreciate the work that Assemblywoman Krasner and Assemblyman Ohrenschall have put into this bill. I agree and I made it clear in the original hearing that "the civil death penalty" is an apt analogy. What I do not want to get lost in all of this is that we are talking about the interest of a child. These are cases where the parents have either been unable or unwilling to get their lives on track in less than a year. These children's lives are in limbo. To the extent that we might be extending that period makes me very nervous. With that said, I do agree that notice and due process is a paramount concern as well, so I will be voting yes on this.

Assemblyman Thompson:

I will vote it out of Committee, but there is a lot I need to get to before I can vote yes on the floor. As Assemblywoman Krasner and Assemblyman Ohrenschall said, this is very serious when you are talking about termination of parental rights. I need more information for myself before I can say yes, but I will keep you updated, Mr. Chairman.

Chairman Yeager:

Is there any further discussion? Can I clarify, Assemblyman Anderson, that your motion included all three amendments; the two amendments on the work session document ([Exhibit C](#)) and the conceptual amendment as outlined by Assemblyman Ohrenschall and Assemblywoman Krasner?

Assemblyman Elliot T. Anderson:

That is correct, Mr. Chairman.

Chairman Yeager:

Assemblyman Pickard, you seconded that motion?

Assemblyman Pickard:

Yes.

Chairman Yeager:

Seeing no further discussion on the motion, all those in favor signify by saying aye.

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement. I want to thank the interested parties; they have worked long and hard over the last several weeks to try to get this right. I do appreciate that as Chairman, we could get to a point where everyone can at least support the bill out of Committee. Our next bill will be Senate Bill 470.

Senate Bill 470: Revises provisions governing the release of information relating to children. (BDR 5-347)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit D](#)).] Senate Bill 470 is sponsored by the Senate Committee on Judiciary on behalf of the Legislative Committee on Child Welfare and Juvenile Justice and was heard in Committee on May 11, 2017. This bill expands the list of entities that a juvenile justice agency may share information with concerning a child on whom a law enforcement agency is actively conducting a criminal investigation or a delinquency proceeding, or who is engaged in a situation that poses a threat to the child's safety or the safety or well-being of others.

The bill also establishes an additional condition that must be met before a juvenile justice agency may release juvenile justice information to a school district. That condition is that the written agreement with the school district must provide for the sharing of data from the educational record of the child maintained by the school district. There are no amendments to this bill.

Chairman Yeager:

As this time, I will take a motion to do pass S.B. 470.

ASSEMBLYMAN WATKINS MOVED TO DO PASS SENATE BILL 470.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Ohrenschall:

Senate Bill 470 came out of the interim Legislative Committee on Child Welfare and Juvenile Justice by Chair Senator Hammond, who worked very hard on this. I served on that committee, and I had some concerns that I expressed during the interim and during the hearing about the sharing of information and educational information. A student who is not in the juvenile justice system would have his parent or guardian sign a waiver to allow that educational information to be released. For a student in the juvenile justice system, it would be different, as written in this bill. I am going to vote yes today, but reserve my right to change my vote on the floor. I know there are many good intentions behind this bill, but I do still have some concerns.

Assemblywoman Krasner:

I also have some concerns on this bill, and they are similar to Assemblyman Ohrenschall's. Currently, to get information from a school, parents can make the decision if they want to share that information with law enforcement. This is the parental right to say, Yes, I will share that and sign a waiver, or No, we are going to work on that issue with the family and not going to share those records with law enforcement at this time. This bill would take that parental right away. I will vote yes to get this bill out of Committee, but I reserve my right to change my vote on the floor.

Chairman Yeager:

Thank you, Assemblywoman Krasner. I will remind the members that under our rules you always have the right to change your vote on the floor. It is imperative that you let me know that so I know where the votes are, and it is good practice to let the sponsor know if you anticipate changing your vote. Is there any further discussion on S.B. 470? Seeing no further discussion, all those in favor please signify by saying aye.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Cohen. Our next bill on the work session is Senate Bill 472 (1st Reprint).

Senate Bill 472 (1st Reprint): Revises provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. (BDR 5-345)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit E](#)).] Senate Bill 472 (1st Reprint) is sponsored by the Senate Committee on Judiciary on behalf of the Legislative Committee on Child Welfare and Juvenile Justice, and was heard in Committee on May 11, 2017. This bill sets forth a revised registration and community notification process regarding a child who is 14 years of age or older at the time of an alleged offense and who is adjudicated delinquent for the offense. Procedures concerning exemption from registration and community

notification requirements for such juveniles are provided as are continuing registration and community notification requirements for a child adjudicated delinquent for an aggravated sexual offense. There are no amendments.

Chairman Yeager:

At this time, I will take a motion to do pass S.B. 472 (R1).

ASSEMBLYMAN PICKARD MADE A MOTION TO DO PASS
SENATE BILL 472 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Pickard. Our next bill will be Senate Bill 18 (1st Reprint).

**Senate Bill 18 (1st Reprint): Makes various changes relating to bail bonds.
(BDR 57-464)**

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit F](#))] Senate Bill 18 (1st Reprint) is sponsored by the Senate Committee on Commerce, Labor and Energy on behalf of the Division of Insurance of the Department of Business and Industry. It was heard in Committee on May 16, 2017. This bill revises provisions relating to bail bond businesses, including requiring a bail agent, bail solicitor, or general agent to insure to the benefit of any person damaged by the licensee or person acting on his or her behalf and revises provisions relating to the cancellation and replacement of a licensing bond; issuing and renewing a license as a bail agent, bail solicitor, or bail enforcement agent; and authorizing the Commissioner of Insurance to participate with the National Association of Insurance Commissioners in a centralized registry for licensing and appointment of bail agents, bail enforcement agents, bail solicitors, and general agents. It prohibits certain conduct by a bail enforcement agent; and requires a surety insurer or bail agent to refund all money collected and return all bail collateral held for a bail transaction that is canceled before a bond is accepted by a court or governmental entity, and the money and other valuable consideration that may be charged or collected in connection with any bail transaction. Lastly, it revises provisions related to apprehending and surrendering of a defendant by a surety insurer or bail agent to the custody of a court or governmental agency.

There is an amendment proposed by Assemblyman Yeager; the mock-up is part of ([Exhibit F](#)).

Chairman Yeager:

At this time I will take a motion to amend and do pass S.B. 18 (R1) with the amendment that is included in the work session document.

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
SENATE BILL 18 (1ST REPRINT).

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Elliot T. Anderson:

I had a chance to meet with some of the parties after the hearing. The process on this bill left a lot to be desired. I would appreciate it if we could have the people who testified in opposition during the hearing come up and give us their thoughts. Maybe the American Bail Coalition could come up.

Chairman Yeager:

I would invite people up, but I do not want to reopen the hearing. If you could just give your position after having a chance to read the revised version of the bill, I think that would be helpful.

Tom Clark, representing Justin Brothers Bail Bonds:

Thank you for the work done on this amendment. It does meet the majority of the desires we had for changing the bill, and we are in support of the amended version.

Jodi Stephens, representing the American Bail Coalition:

With the amendment, we are supportive of the bill.

Chairman Yeager:

Assemblyman Anderson, that appears to be everyone we have in the room; hopefully that is helpful.

Assemblyman Fumo:

I just wanted to echo the statements of Assemblyman Anderson. I think there is still more work that needs to be done on the bill. In an effort to be fair, I would like to know if the sponsors of the bill are all right with the amendment and were they consulted?

Alexia M. Emmermann, Insurance Counsel, Division of Insurance, Department of Business and Industry:

For the record, the Division of Insurance was not involved in this last amendment. We do have some concerns because we feel it inhibits our ability to target the abuses we have been seeing.

Chairman Yeager:

I will note for the record, I think everyone had a chance to look at this amendment, but one of the new sections at the end was to convene a subcommittee of the Advisory Commission on the Administration of Justice to get some further testimony and clarity on where this amendment may be lacking, if it is. That was important in my crafting of the amendment to make sure that this is not just an issue that ends here with the session, but that we continue to keep this at the forefront through discussions in the interim.

Assemblywoman Krasner:

Ms. Emmermann, I was not sure if you were testifying that you are okay with the amendment, opposed, or neutral?

Chairman Yeager:

I will invite you to come up and if we could limit it to a formal position. I do not want to get into the specifics because we do not have time with this Friday deadline.

Alexia Emmermann:

We are neutral because it is a policy decision by this body.

Assemblyman Wheeler:

I wanted to thank you for the amendment. I was very much against this bill, but with this amendment, especially the portion on the Advisory Committee that will bring this back to us in two years with some real numbers, it is now a good bill.

Chairman Yeager:

Seeing no further discussion on the motion, which is a motion to amend and do pass S.B. 18 (R1), all those in favor please signify by saying aye.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Anderson. Next we will take up Senate Bill 169 (1st Reprint).

**Senate Bill 169 (1st Reprint): Revises provisions relating to sexual offenses.
(BDR 15-472)**

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit G](#)).] Senate Bill 169 (1st Reprint) was sponsored by Senator Harris and heard in Committee on May 3, 2017. The bill requires each law enforcement agency in the state to establish a program to track sexual assault forensic evidence (SAFE) kits, allows the agencies to contract with appropriate entities to create and manage the tracking program, and sets forth specific requirements the tracking program must meet. Additionally, the bill requires that SAFE kits be submitted to forensic laboratories for testing within 30 days of receipt and that, upon the request of a victim, laboratories must conduct tests within 180 days of receiving a kit. Forensic laboratories are also required to

report statistics annually to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and to the Legislature, including the number of untested kits that have been in their possession for over one year.

The bill also expands the prohibition on public disclosure of the identity of sexual assault victims to include victims of employees, contractors, or volunteers of various child welfare and juvenile justice agencies. A person who is 25 years of age or older who is in a position of authority with one of these entities as an employee, contractor, or volunteer and who engages in sexual conduct with a person between 16 and 18 years of age with whom they have direct contact related to their duties is guilty of a category C felony. Persons who are married to each other and who engage in such sexual conduct are exempted from these provisions.

There are two amendments to this measure. The first amendment proposes to remove the language in the bill referring to the establishment of a program to track SAFE kits. The amendment would delete the following sections in the bill: section 1.3, section 1.7, and section 2, subsections 1 through 3.

The intent is to incorporate this language into one bill—Assembly Bill 97 (1st Reprint), which this Committee heard. It revises provisions relating to evidence collected from and the reimbursement of payment for forensic medical examinations of victims of sexual assault.

The second amendment: Senator Harris has agreed to add Assemblyman Yeager as cosponsor of the bill.

Chairman Yeager:

Just as a point of clarification, I think it was obvious, but the intent is to get all the language relating to the sexual assault kits into one bill. Assembly Bill 97 (1st Reprint) is still in the Assembly Committee on Ways and Means. We anticipate it will be out soon, on its way to the floor, and then to the Senate. Those provisions in the bill are not going away; they are likely to be imported in their current form into that bill. Therefore, that leaves the second portion of the bill, which is going to be unchanged from what we heard in Committee. Do I have a motion to amend and do pass with both amendments?

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE BILL 169 (1ST REPRINT).

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Pickard:

Being that there is always the possibility that a bill in Ways and Means may not get out in time to get through to the Senate, is there a mechanism to get the language added if it were not to leave Ways and Means?

Chairman Yeager:

That is a good question. I can tell you I am not too concerned about it. If for some reason it did not get out of Ways and Means, there are always other avenues that we can take to make sure that the language will make it into a bill. It is a priority for this Legislature to make sure that we address the sexual assault kits in an appropriate manner.

Is there any further discussion on the motion? Again the motion is to amend and do pass S.B. 169 (R1) with both amendments. Those in favor please signify by saying aye.

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement. We will go next to Senate Bill 259 (1st Reprint).

Senate Bill 259 (1st Reprint): Revises provisions relating to driving under the influence of alcohol or a controlled substance. (BDR 43-606)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit H](#)).] Senate Bill 259 (1st Reprint) is sponsored by Senators Manendo, Parks, Cannizzaro, Segerblom, Gustavson, et al; and Assemblyman Carrillo and was heard in Committee on May 16, 2017. This bill requires a person whose driver's license, permit, or privilege has been revoked for suspicion of driving under the influence (DUI) to install, at his or her own expense, an ignition interlock device in each vehicle the person owns or operates as a condition to obtaining a restricted license. The bill requires a court to order persons convicted of an offense involving DUI of alcohol or a controlled substance to install an ignition interlock device, with certain exceptions. The bill also authorizes a juvenile court to order the installation of an ignition interlock device for a child convicted of an offense involving DUI of alcohol or a controlled substance. Finally, the bill provides that a person who provides a sample of his or her breath for an ignition interlock device for another person is guilty of a misdemeanor. There is one amendment proposed by Assemblyman Yeager.

Chairman Yeager:

I will take a motion to amend and do pass S.B. 259 (R1).

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
SENATE BILL 259 (1ST REPRINT).

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Thompson:

I want to commend you for one of the bullet points that talks about looking at a person who is indigent being able to access the device. If we are trying to keep people employed, this could make or break whether they can continue in the social service systems. I will definitely be a yes on this bill.

Assemblyman Pickard:

I have a question in respect to the amendment with the retention of the 90-day suspension period. Given the testimony that 180 days was more consistent with the science of recovery, I am wondering what the background was for that and why we are changing the time back.

Chairman Yeager:

The background was because when someone is in a preadjudication status to not increase that period to 185 days. I will note that most offenders, given that they have a potential for a day for day credit on the 185 days on the back end, would probably choose to leave it on there. In thinking about this bill, I think there was a distinction to be made in the preadjudication status versus the postadjudication status. I will note for the record, if it is not clear, under current law the suspension is 90 days, but someone could apply for a restricted license after 45 days. This conceptual amendment does change that in that you cannot apply for a restricted license. You would have to wait out the entire 90-day period unless the offender chooses to get the breath interlock device. I was able to research the federal ramifications of the 185 days related to federal funding. With the conceptual amendments, we are still in compliance with the federal law and the Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) grant that could potentially have some money coming our way. The important thing is the 185 days postadjudication. That was why that provision has not been changed.

Assemblywoman Krasner:

I vacillated on this bill because there is an important issue: we do not want people drinking and driving. However, if someone makes a bad choice, we also do not want him or her to not be able to drive to his or her job every day and lose his or her job on top of this. I was concerned about increasing it to 180 days, but I did like the fact that we could put the interlock device on the vehicle. With your amendment, I am at a yes.

Assemblyman Elliot T. Anderson:

I want to thank the Chairman for the amendment. I like the provisions that make it more favorable for indigent people to be able to afford these devices. I think that is extremely important because when you are talking about someone's livelihood, we need to make it so that they can afford these devices and keep their job, meanwhile keeping the road safer.

Chairman Yeager:

Seeing no further discussion, the motion is to amend and do pass S.B. 259 (R1). All those in favor, please signify by saying aye.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblyman Watkins. Our next bill will be Senate Bill 360 (1st Reprint).

Senate Bill 360 (1st Reprint): Revises provisions relating to the protection of older persons, vulnerable persons and persons in need of a guardian. (BDR 15-965)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit I](#))] Senate Bill 360 (1st Reprint) is sponsored by Senators Cannizzaro, Ford, Spearman, Woodhouse, Ratti, et al., and was heard in Committee on May 15, 2017. This bill clarifies that immunity from prosecution for those who report suspected abuse or neglect of a vulnerable or elderly person does not extend to a person who was involved in the neglect or abuse. The maximum term of imprisonment for a person who abuses or neglects an elderly or vulnerable person is increased from 6 years to 20 years and a second or subsequent offense is a category B felony.

The bill also establishes a Wards' Bill of Rights and prescribes the manner in which it is to be made available to the public. The Wards' Bill of Rights addresses several matters including, but not limited to: receiving proper legal representation; receiving proper notice of proceedings involving the ward; being involved in developing a plan for the ward's care; giving due consideration to the ward's preferences for health care, medical treatment, and religious and moral beliefs; remaining as independent as possible; and having control over his or her financial affairs.

Assemblyman Yeager has proposed an amendment. The mock-up is attached to the work session document ([Exhibit I](#)). The amendment incorporates language from the proposed Senate Committee on Judiciary amendment No. 4503 to Assembly Bill 288, and provides that a sentence imposed pursuant to *Nevada Revised Statutes* (NRS) 193.167 must not exceed the sentence imposed for the crime. It incorporates language from A.B. 288 relating to penalties, adds language proposed by the Nevada Supreme Court referring to a person of natural affection and an advocate for the protected person, and adds the sponsors from A.B. 288 as cosponsors to S.B. 360 (R1).

Chairman Yeager:

At this time I will take a motion to amend and do pass S.B. 360 (R1).

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
SENATE BILL 360 (1ST REPRINT).

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

We tried to mirror this bill with A.B. 288, which we heard earlier in the session to make sure that everything moves forward in an appropriate manner. That is the basis of the amendment. Seeing no further discussion, all those in favor please signify by saying aye.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Miller. Our next bill will be Senate Bill 409 (1st Reprint).

Senate Bill 409 (1st Reprint): Revises provisions relating to animals. (BDR 15-100)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document (Exhibit J).] Senate Bill 409 (1st Reprint) is sponsored by Senators Manendo, Cannizzaro, Parks, et al, and was heard in Committee on May 16, 2017. This bill repeals provisions of existing law that prohibit a person from allowing a cat or dog to remain unattended in a motor vehicle and reenacts those provisions with revisions based upon provisions of existing law related to leaving a child unattended in a motor vehicle, except for provisions regarding leaving a dog or cat in a vehicle with the motor running. The bill also provides that certain public employees and volunteers whose work relates to animals or public safety may use any reasonable means necessary to protect a dog or cat and remove it from a vehicle.

Finally, the bill provides that any peace officer or animal control officer is required to take possession of an animal that is being treated cruelly or is being used in fights with other animals and removes this duty from an officer of a society for the prevention of cruelty to animals. There are no amendments to this bill.

Chairman Yeager:

At this time, I will take a motion to do pass S.B. 409 (R1).

ASSEMBLYMAN WHEELER MADE A MOTION TO DO PASS
SENATE BILL 409 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Jauregui.

Chairman Yeager:

Members of the Committee and audience, at this time we are not going to take up consideration of Senate Bill 344 (1st Reprint). It is likely to be on a further agenda at some point today. I will take public comment at this time. [There was none.]

We will be in recess until the call of the Chair [at 10:19 a.m.].

[The meeting resumed at 12:50 p.m. behind the bar of the Assembly.]

Chairman Yeager:

After this morning's work session, Assemblywomen Cohen and Jauregui proposed an amendment to Senate Bill 409 (1st Reprint) replacing the language in the bill from "cat and dog" to "cat, dog, or any other animal kept for companionship." ([Exhibit K](#)). I will ask that Assemblyman Ohrenschall and Assemblywoman Jauregui rescind their motion and that the Committee vote again to approve this amendment.

ASSEMBLYMAN OHRENSCHALL MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON SENATE BILL 409 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will entertain a motion to amend and do pass Senate Bill 409 (1st Reprint) with the proposed amendment.

ASSEMBLYMAN WHEELER MADE A MOTION TO AMEND AND DO PASS SENATE BILL 409 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Jauregui. We will hear Senate Bill 344 (1st Reprint).

Senate Bill 344 (1st Reprint): Revises various provisions relating to the labeling, packaging and advertising of marijuana. (BDR 40-451)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit L](#)).] Senate Bill 344 (1st Reprint) is sponsored by Senators Farley and Segerblom and was heard in Committee on May 10, 2017. This bill revises various provisions relating to the labeling, packaging and advertising of marijuana.

Chairman Yeager:

I will now take a motion to amend and do pass Senate Bill 344 (1st Reprint).

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
SENATE BILL 344 (1ST REPRINT).

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL
ABSTAINED.)

I will assign the floor statement to Assemblywoman Miller.

The meeting is adjourned [behind the bar of the Assembly at 1:00 p.m.].

RESPECTFULLY SUBMITTED:

Janet Jones
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for Senate Bill 432 (1st Reprint), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for Senate Bill 470 (1st Reprint), dated May 18, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for Senate Bill 472 (1st Reprint), dated May 18, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for Senate Bill 18 (1st Reprint), dated May 17, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for Senate Bill 169 (1st Reprint), dated May 17, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for Senate Bill 259 (1st Reprint), dated May 19, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for Senate Bill 360 (1st Reprint), dated May 19, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for Senate Bill 409 (1st Reprint), dated May 18, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for Senate Bill 409 (1st Reprint), dated May 18, 2017, amended behind the bar.

[Exhibit L](#) is the Work Session Document for Senate Bill 344 (1st Reprint), dated May 17, 2017, presented behind the bar.